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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,515	06/07/2001	Robert J. Davies	GB 000109	9201

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

LE, KAREN L

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/876,515	<b>Applicant(s)</b> DAVIES ET AL.	
	<b>Examiner</b> Karen L. Le	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's amendment filed on May 15, 2006 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-14 are still pending in this application, with claims 1, 8, 10 and 11 being independent.

**This action is made final.**

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiteside (U. S. 5,835,861) in view of King et al (U.S. 6,169,498).

Regarding claims 1, 6, 8, 10 and 11, Whiteside teaches a communications system comprising at least one beacon device (Fig. 1, item 20) capable of wireless message transmission (Col. 2, lines 14-18) and at least one portable device (Fig. 1, item 10) capable of receiving such a message transmission (Col. 2, lines 54-55 and lines 35-39), wherein the beacon is arranged to broadcast a series of inquiry messages each in the form of a plurality of predetermined data fields arranged according to a first

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communications protocol (Col. 2, lines 35-39). The beacon is further arranged to add to each inquiry message prior to transmission an additional data field, and wherein the at least one portable device is arranged to receive the transmitted inquiry messages and read data from said additional data field (Col. 2, lines 35-39).

Whiteside does not teach the additional data field including location information. However King teaches the additional data field including location information (Col. 3, lines 54-56). Whiteside teaches a method for communicating location-specific messages that has a content that is related to a particular geographical location within a facility. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate King's location feature into Whiteside's system in order to provide additional data field including location information. This feature is old and popular in telecommunication system.

Regarding claims 2-3 and 12-13, Whiteside teaches the beacon is arranged to add said additional data field at the end of a respective inquiry message wherein the beacon is arranged to include an indication in one of said predetermined data fields, said indication denoting the presence of said additional data field (col. 2, lines 35-39).

Regarding claims 4, 9 and 14, Whiteside does not teaches a system wherein said first communications protocol comprises Bluetooth messaging. However, Bluetooth is extremely old and well known in the wireless technology that enable devices such as portable computers, cell phones, and portable handheld devices to

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connect to each other and to the Internet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the Bluetooth to enable data delivery through beacons.

Regarding claims 5 and 7, Whiteside does not teaches a system wherein a special Dedicated Inquiry Access Code (DIAC) is used to indicate the presence of location information in the additional data field. Wireless messaging system employs frequency hopping, and further wherein location data is sent on each frequency used for inquiry message broadcasts. However, DIAC is old and well known in the Bluetooth specification. Normally, a unit adapted to communicate according to the Bluetooth specification receiving an inquiry message, including a general inquiry access code (GIAC) or an appropriate Dedicated Inquiry Access Code (DIAC), may response by sending an inquiry response message. The inquiry response message is actually a frequency hop synchronization packet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the DIAC to indicate the present of location information in the additional data field.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-3, 6 and 8-14 have been fully considered but they are not persuasive.

As to Applicant's Remarks, Applicant mainly argues that the billboard in Whiteside does not broadcast inquiry messages but instead it simply broadcasts

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advertising information continuously, does not teach the inquiry messages being in the form of a plurality of predetermined data fields arranged according to a first communications protocol. Applicant also argues that Whiteside does not teach the additional data field including location information and King does not cure the deficiency. Examiner respectfully disagree for the following reasons:

Whiteside does teach broadcast inquiry messages in addition to broadcast advertising information and teach the inquiry messages being in the form of a plurality of predetermined data fields such as a bank interest rate and current production cost (Col. 2, lines 35-36). King teaches a method for communicating location-specific messages that has a content related to a particular geographical location within a facility.

Whiteside teaches broadcast bank interest rate and current production cost in addition to advertising information. Thus, location message of King is simply one of items in Whiteside's broadcasting information. King is the secondary reference and it does not have to be bodily incorporated in the primary reference.

For the above reason, Whiteside and King are maintained for supporting the enclosed Examiner's non-final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen Le  
KLL



WING CHAN  
SUPERVISORY PATENT EXAMINER

August 4, 2006